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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			EXAMINER NAJJAR, SALEH	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,452

Applicant(s)

SAGI, UDAY C.

Examiner

Saleh Najjar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. This action is responsive to the amendment filed on October 14, 2004. Claims 1, 5, 6, 13, and 14 were amended. Claims 1-15 are pending. Claims 1-15 represent a method and system for controlling an intelligent device through an instant messaging protocol over a communication network.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahide et al., EP 1093271 A2 published April 18, 2001 further in view of Appleman, U.S. Patent no. 6,750,881.

Massahide teaches the invention substantially as claimed including a system and method for supporting communication and conveying commands to physical devices through an instant messaging protocol (see abstract).

As to claim 1, Masahide teaches a method for controlling an intelligent device over a communication network, the method comprising the steps of:

coupling the physical device having a first IRC client to a control station having a second IRC client using the communication network and IRC protocol (see figs. 1-3; col. 8, lines 35-45; col. 9, Masahide discloses that a physical devices is connected to an instant messaging client);

Massahide fails to teach the claimed limitation of Instant Messaging protocol. Massahide does teach that the intelligent device is controlled through an instant relay chat protocol (IRC) (see col. 1-2).

However, communicating via an Instant Messaging (IM) protocol is old and well known in the art.

"Official Notice" is taken that the concept and advantages of using Instant Messaging servers and protocol is old and well known in the art, as evidenced by many cited references in this office action including references such as "Appleman 881", Crawford 608", "Greene 173".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by implementing the intelligent device control in an Instant Messaging system since Instant Messaging systems represents an advanced protocol based on the Instant Relay chat. One would be motivated to do so since Instant Messaging is a popular protocol used on the Internet for real-time communication.

controlling the intelligent device by sending an instant message from the control station, the instant message comprising a command (see col. 10, line 30; col. 11, lines 20-30, Masahide discloses that physical devices are added to an instant messaging channel and that control commands are relayed to the physical devices through the attached instant messaging client).

Massahide fails to teach adding the intelligent device to an IM "buddy" list, the IM buddy list allowing access to the intelligent device. Masahide does teach that a channel is created and instant messaging clients and their associated physical devices join a chat channel, which allows access to the devices logged in to the channel (see col. 8-10).

However, Appleman teaches a user definable on-line co-user lists (see abstract).

Appleman teaches adding a client to an IM "buddy" list, the IM buddy list allowing access to the client's on-line status (see figs. 1-6; col. 3, lines 20-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by implementing a buddy list as taught by Appleman. One would be motivated to do so to define a user group.

As to claim 2, Masahide teaches the method of claim 1, further comprising the step of identifying a status of the intelligent device to the control station by sending from the intelligent device to the control station a selected one of a plurality of On-line indicators (see col. 3, lines 15-20col. 10, lines 40-55, Masahide discloses that greetings and welcome are used indicate the status of joining a channel).

Massahide does not teach IM indicators. However, Appleman teaches a user definable on-line co-user lists (see abstract).

Appleman teaches IM indicators (see figs. 1-6; col. 5, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by implementing IM indicators taught by Appleman. One would be motivated to do so to implement an advanced real-time on-line protocol based on IM.

As to claim 3, Masahide teaches the method of claim 1.

Massahide does not teach creating an IM user List and an access control List corresponding to the clients; and providing control of the intelligent device by the user in accordance with the access control List. Massahide does teach that an event table is defined for IRC clients joined in a chat room/channel that functions as an access control list for physical devices attached to IRC clients (see col. 9, lines 1-50).

However, However, Appleman teaches a user definable on-line co-user lists (see abstract).

Appleman teaches creating an IM user List and an access control List corresponding to the clients; and providing control of the intelligent device by the user in accordance with the access control List (see figs. 1-6; col. 3, lines 30-45, Appleman discloses a group name table 30 and a buddy list table 32 that defines a list of users in a buddy list and control tracking on-line status of the buddy list group).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by creating an IM user List and an access control List corresponding to the clients; and providing control of the intelligent device by the user in accordance with the access control List. One would be motivated to do so to restrict access to a predefined group of clients.

As to claim 4, Masahide teaches the method of claim 1.

Masahide fails to teach the claimed limitation of authenticating at least one of a user, a server, and a proxy when sending and receiving an instant message.

However, "Official Notice" is taken that the concept and advantages of authenticating at least one of a user, a server, and a proxy to an instant messaging

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service is old and well known in the art as evidenced by many cited references in this office action including references such as Crawford 608" (see col. 10-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by specifying the authentication of users, proxies or servers. One would be motivated to do so to restrict access to the chat room to by certain participants.

Claims 5-7, 8-9, 11-12 and 13-14 do not teach or define any new limitations above claims 1-4 and therefore are rejected for similar reasons.

4. Claims 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahide in view of Appleman and further in view of Greene, U.S. Patent No. 6,668,173.

Masahide teaches the invention substantially as claimed including a system and method for supporting communication and conveying commands to physical devices through an instant messaging protocol (see abstract).

As to claim 10, Masahide teaches the intermediate controller of claim 8.

Masahide in view of Appleman fail to teach the limitation wherein the processor is further programmed to serve as a wireless network proxy.

However, Greene teaches a method and system for Instant Message user location tracking system for wireless devices (see abstract). Greene discloses a wireless IM server 19 for providing wireless instant messaging services (see fig. 1; col. 4-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Masahide and Appleman by implementing a wireless IM proxy server. One would be motivated to do so to allow mobile devices to interact and use an Instant Messaging service.

Claims 15 does not teach or define any new limitations above claim 10 and therefore is rejected for similar reasons.

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5. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571) 272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157